

Message

From: Nate Bello [bello@wra-ca.com]
Sent: 1/19/2016 6:11:43 PM
To: Zimmerman, Jan@Waterboards [jan.zimmerman@waterboards.ca.gov]
CC: Pankratz, Shannon L SPL [Shannon.L.Pankratz@usace.army.mil]; Lawhead, David@Wildlife [David.Lawhead@wildlife.ca.gov]; Mahdavi, Sarvy [Mahdavi.Sarvy@epa.gov]; Tracey Brownfield [tracey@landveritas.com]; Julie Beeman [JBeeman@vcsenvironmental.com]; Keelie Rocker [KRocker@vcsenvironmental.com]; Tim DeGraff [degraff@wra-ca.com]; Kyra Engelberg [engelberg@wra-ca.com]; Aaron Allen [aaron.o.allen@usace.army.mil]; Copeland, Patrice@Waterboards [patrice.copeland@waterboards.ca.gov]; Niemeyer, Kim@Waterboards [Kim.Niemeyer@waterboards.ca.gov]
Subject: Re: Petersen Ranch Mitigation Bank - Final BEI

Hi Jan,

Thank you and the other Water Board staff very much for your comments and review. This has been a long process and a lot of information to digest. Answers to your questions follow:

The BEI notes that the Petersen Ranch Property Owner owns 3,912 acres (paragraph B of recitals) and that the bank will be created over a 3,735 acre portion of the Petersen Ranch property (recital paragraph E). What happens with the remaining 177 acre portion of the property that is not part of the bank? Will it be held in some use that is compatible with the conservation easement? Does this include a portion of the 320 acres for the SCE conserved property described in recital paragraph D?

The remaining acreage consist of "exclusion areas" that are not part of the proposed Bank. These contain existing buildings and areas reserved for the use of the property owner and have been discussed at length during our IRT meetings. As a reminder these areas were discussed during the 6/1/15, 5/4/15, 4/14/15 and 3/30/15 IRT meetings. These meetings and discussions with the IRT resulted in clarification and agreement that the CE protects the conservation values of the bank property regardless of exclusion areas, modification of the exclusion area locations, and additional monitoring in the management plans to provide the IRT with added comfort that uses within exclusion areas will not deleteriously affect the conservation values of the Bank Property. The 320 SCE area is already placed under a conservation easement and is separate from the exclusion areas.

The Conservation Easement is only for 1844.6 areas. Why would the conservation easement not cover all of the 3,735 acres that make up the Petersen Ranch bank?

The bank is being proposed in phases. Only the first phase of the bank (Area A and Area E) would be initially placed under the protection of conservation easements and initially only credits for the first phase would be released. The remaining phases would be incorporated into the bank in the future, and at that time additional CEs would be recorded and credits for that phase would become eligible for release. When all phases of the bank are implemented the entire 3,735 acres would be protected under CEs.

The Conservation Easement refers back and forth between "IRT" and "Signatory Agencies." In earlier comments and responses on the BEI, it was agreed that "IRT" would be used instead of "Signatory Agencies." Please use "IRT" for consistency throughout.

We will change all references of "Signatory Agencies" to "IRT" for consistency.

What is the relationship/role of the Grantee, Southwest Resource Management Agency? Please provide more information about this entity and their roles/responsibilities? It appears that the Grantee is responsible for ensuring that the work identified in the various plans identified in the BEI is being done. It seems appropriate to identify the Grantee and specify their roles/responsibilities in the BEI.

The grantee is a 3rd party non-profit who has conservation as its primary purpose. It currently holds conservation easements and endowments for other banks and properties and is eligible to hold Petersen Ranch's easement pursuant to California Government Code Section 65968(b)(1)(B). As the easement holder, SRMA's sole responsibility is to monitor and ensure compliance with the terms of the Conservation Easement in perpetuity. SRMA's responsibilities and Roles are defined in the BEI and CE templates that were already created by the IRT agencies and the PDT. For reference, the Bank Sponsor team gave an instructional presentation on the Roles defined in the PDT templates during the IRT meeting on 3-16-15.

I understand Braiden will be discussing the CE comments with Kim today. Thanks for your review, if you have any questions or comments please feel free to contact me.

Nate

On Friday, January 15, 2016, Zimmerman, Jan@Waterboards <jan.zimmerman@waterboards.ca.gov> wrote:

Shannon et al., our comments on the latest version of the BEI and the Conservation Easement are outlined below.

Bank Enabling Instrument (BEI)

The BEI notes that the Petersen Ranch Property Owner owns 3,912 acres (paragraph B of recitals) and that the bank will be created over a 3,735 acre portion of the Petersen Ranch property (recital paragraph E). What happens with the remaining 177 acre portion of the property that is not part of the bank? Will it be held in some use that is compatible with the conservation easement? Does this include a portion of the 320 acres for the SCE conserved property described in recital paragraph D?

Additional comment on the BEI provided separately as track changes on “clean” version. See attached.

Conservation Easement

The Conservation Easement is only for 1844.6 areas. Why would the conservation easement not cover all of the 3,735 acres that make up the Petersen Ranch bank?

The Conservation Easement refers back and forth between “IRT” and “Signatory Agencies.” In earlier comments and responses on the BEI, it was agreed that “IRT” would be used instead of “Signatory Agencies.” Please use “IRT” for consistency throughout.

What is the relationship/role of the Grantee, Southwest Resource Management Agency? Please provide more information about this entity and their roles/responsibilities? It appears that the Grantee is responsible for ensuring that the work identified in the various plans identified in the BEI is being done. It seems appropriate to identify the Grantee and specify their roles/responsibilities in the BEI.

Additional comments on the Conservation Easement provided separately as track changes on "clean" version. See attached.

Thank you!

Jan Zimmerman, PG

Engineering Geologist

Lahontan Regional Water Quality Control Board

Phone: 760/241-7376

<http://www.waterboards.ca.gov/lahontan/>

From: Nate Bello [mailto:bello@wra-ca.com]

Sent: Wednesday, December 23, 2015 11:02 AM

To: Pankratz, Shannon L SPL; Lawhead, David@Wildlife; Sarvy Mahdavi; Zimmerman, Jan@Waterboards; Tracey Brownfield; Julie Beeman; Keelie Rocker; Tim DeGraff; Kyra Engelberg; Aaron Allen

Subject: Re: Petersen Ranch Mitigation Bank - Final BEI

Hi all,

Sorry for the follow up. I got a message that some of your servers blocked the email message because of the attached zip file. I didn't want to risk any of you not receiving the email, so I am sending again with the uncompressed attachments.

Nate

Nathan Bello | Conservation Biologist/Planner | d: 415.524.7238 | o: 415.454.8868 x 1800 | c: 916.508.4993 | bello@wra-ca.com

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On Wed, Dec 23, 2015 at 10:56 AM, Nate Bello <bello@wra-ca.com> wrote:

Hi all,

Attached are three versions each of the BEI and CE for the Petersen Ranch M.B. Included is a clean version, a version in tracked changes from the template, and a version in tracked changes from the last version reviewed by the IRT. These versions should reflect the most recent language that has been agreed to in the ongoing discussions between the various legal counsels. The IRT should now have all of the revised documents based on the comments we received on the last BEI submittal and subsequent conversations.

With this submittal I believe all outstanding issues have been addressed and we look forward to getting this signed. If all IRT agencies agree that these documents look good, we can submit hard copies and coordinate signing. If you have any questions don't hesitate to contact me.

These documents have also been uploaded to the ftp site:

[FTP://50.76.51.173](ftp://50.76.51.173)

Username: PetersenRanch

Password: Petersen\$

Thank you all for your significant contributions of time and effort on this project,

Nate

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On Fri, Dec 11, 2015 at 5:40 PM, Nate Bello <bello@wra-ca.com> wrote:

Hello all,

Attached please find the tracked changes version of the revised Development Plan (Exhibit C-1) and Crediting Evaluation with Appendix A (Exhibit F-1). These have been revised to reflect the latest comments from CDFW and the Corps. The comments have been added to the end of the comments matrix, which is also attached for your reference.

The complete Development Plan, including figures, can be found on the FTP site:

FTP://50.76.51.173

Username: PetersenRanch

Password: Petersen\$

The BEI, CE and LTMP are still awaiting final resolution on a few legal issues that are being worked out between Braiden and counsel from CDFW and the Regional Board. These will be submitted as soon as that language is finalized.

Thank you, please don't hesitate to contact me with any questions.

Nate

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